

REMARKS**EXAMINER INTERVIEW ON APRIL 8, 2004**

Applicant's attorney thanks the Examiner and the Supervisory Primary Examiner for the Interview on April 8, 2004. It is believed that a greater mutual understanding of acceptable terminology was achieved.

OBJECTION TO CLAIM 3

Claim 3 was objected to because of an informality. Claim 3 has been cancelled without prejudice or disclaimer. Thus, the objection to claim 3 is now moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-22 and 39-40 were rejected under 35 U.S.C. § 103 as being unpatentable over Machihara et al. (USPN 6,233,578; hereafter, Machihara).

These rejections are traversed and reconsideration is requested.

Independent claims 1, 5, 12, 34, 36, 38, 39 and 40 have been amended for clarity.

As Applicant's attorney pointed out at the Examiner's interview on April 8, 2004, it is respectfully submitted that Machihara teaches a different retrieval of data process than the retrieval of data process recited in the present invention.

First, a standard database structure, as is known to those skilled in the art, has a broad meaning and may be defined as a general type of database structure for whatever database system is under consideration. Hence, it is respectfully submitted that the standard database structure of the present invention has the structure described in the specification.

It is respectfully submitted that Machihara et al. teaches retrieval of meta-information using middleware prior to carrying out a desired user information retrieval (see col. 9, lines 26-30; see also claim 1). The information retrieved by the middleware is stored in the information resource dictionary (IRD) 170 (see col. 7, lines 34-38). The operation of the information retrieval system includes using the IRD, and further, use of the middleware section 180, so that the target database system 180 is accessed (see example col. 9, line 31 through col. 10, line 21). Hence, in Machihara, the IRD stores only meta-data (data about data), and further searching in the target database 180 may be required. Hence, Machihara teaches a preliminary searching by middleware to obtain meta-data, which is stored in the IRD and then, carrying out user searches using the IRD, and where needed, the target database. Thus, it is respectfully submitted that Machihara teaches away

from the present invention.

In contrast, as is recited in the amended independent claim 1, and similarly in amended independent claims 12, 34, 36, 38, 39, and 40, the present invention does not utilize middleware, but rather implements a query structure as follows: placing a query in a query structure that differs from the database structure wherein the query structure and the database structure reference a standard structure with a reference logic and wherein the reference logic is one of: transmitted together with the query; at least partially transmitted together with the query; present in the database; and partially present in the database, wherein the standard structure is described by standard descriptors, and the query structure and the database structure are described by at least one of the standard descriptors and more special descriptors, wherein the more special descriptors reference the standard descriptors with the reference logic. Thus, the present invention does not utilize middleware, as is taught by Machihara.

In addition, it is respectfully submitted that the courts have held that the Examiner may not suggest modifying references using the present invention as a template absent a suggestion of the desirability of the modification in the prior art. *In re Fitch*, 23 U.S.P.Q.2d 1780, Fed Cir. 1992. Something in the prior art as a whole must suggest the desirability, and thus, the obviousness, of making the combination. *Alco Standard Corp. v. Tennessee Valley Authority*, 808 F. 2d 1490, 1 U.S.P.Q. 2d 1337 (Fed. Cir. 1986). When a rejection depends on a combination of prior art references, there must be some teaching, suggestion or motivation to combine the references. *In re Geiger*, 815 F.2d 686, 688 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987). Since there is no teaching or suggestion of not using middleware in Machihara, and the present invention provides the query to the database without using middleware, it is respectfully submitted that amended independent claims are not obvious and are allowable under 35 U.S.C. § 103 over Machihara et al. (USPN 6,233,578). Since claims 2, 4-11, and 13-22 depend from amended independent claims 1 and 12, respectively, claims 2, 4-11 and 13-22 are submitted to be allowable under 35 U.S.C. § 103 over Machihara et al. (USPN 6,233,578) for at least the reasons that amended independent claims 1 and 12 are submitted to be allowable under 35 U.S.C. § 103 over Machihara et al. (USPN 6,233,578).

Claims 34-38 were rejected under 35 U.S.C. § 103 as being unpatentable over Kappenberger et al. (USPN 6,345; hereafter, Kappenberger).

These rejections are traversed and reconsideration is requested.

It is respectfully submitted that Kappenberger teaches using an interpreter which receives the query from the user and performs as middleware between the user and the database, and that

Kappenberger's interpreter exceeds the typical interpreter functionalities (see col. 3, lines 1-37). Kappenberger's interpreter utilizes a structured program between the user and the database (see col. 6, lines 3-9). In contrast, as described more fully above, amended claim 1, as recited above, and the other amended independent claims 12, 34, 36, 38, 39, and 40 in similar fashion, of the present invention does not utilize middleware between the user and the database, and thus, is not taught or suggested by Kappenberger. Kappenberger teaches away from the present invention by teaching the use of the interpreter, which is not described in the present invention. Thus, amended independent claims 34, 36, and 38 are submitted to be non-obvious and to be allowable under 35 U.S.C. § 103 over Kappenberger et al. (USPN 6,345).

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

May 18, 2004

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